# CANDLEWOOD VALLEY CHAPTER
## TROUT UNLIMITED
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February 23, 2009

Representative Richard Roy, Chairman
Senator Edward Meyer, Chairman
Joint Committee on Environment
State of Connecticut General Assembly
300 Capitol Avenue
Hartford, CT 06106

Re: HB 5820: AAC Natural Vegetation Near Wetlands and Watercourses

Dear Chairmen and Members of the Environment Committee:

I appreciate the opportunity to submit testimony regarding HB 5820 on behalf of my organization and its members. Trout Unlimited (TU) is the nation's leading coldwater conservation organization based on grassroots membership dedicated to the conservation, restoration and protection of North America's coldwater habitats and the watersheds they depend on. Founded in 1959 TU believes firmly in the application of the day's best available science in addressing conservation, fisheries and water quality issues.

The Candlewood Valley Chapter of TU (CVTU) encompasses several towns in western Connecticut with approximately 250 members. In this region we are a leader in environmental issues and have had great success working with local, state and federal agencies on a variety of levels performing restorative work, conducting scientific studies and aiding in policy formulation. With our experience CVTU strongly believes that sound science and logic dictate the critical importance of buffers along wetlands and watercourses.

The value of natural vegetation near wetlands, watersheds and watercourses is enormous. Watershed protection is considered the first and most fundamental step to protecting drinking water. Research has overwhelmingly shown that natural vegetation surrounding rivers and wetlands is vital to water quality and reduction of risk from flood and erosion hazards while also providing scenic and recreation uses.

Vegetation around rivers and wetlands significantly decreases sedimentation which is a leading threat to water quality. Vegetation surrounding rivers and wetlands absorbs nutrients and pollutants reducing their runoff preventing degradation of water quality.

State and Federal Guidelines are in place, and put into practice where possible, regarding streamside buffers. In addition to CT DEP Guidelines for Riparian Buffers which suggest 100 foot riparian buffers, the USDA's Natural Resource Conservation Service implements practice standards and guidelines as well. Codes 391A, 759 and 766 regarding need and protocol for establishment of streamside buffers call for anywhere from 15 to 660 feet of vegetative buffer for a variety of water quality and wildlife goals. They state that for basic impacts to water quality, particularly thermal pollution, 15 feet is the absolute minimum. HB 5820 is intended to achieve this minimum.

HB 5820 provides economic benefit. The improved water quality that results from keeping watersheds in a more natural condition results in substantial cost savings related to treatment of water. A study found for every 10 percent increase in forest cover in the source area, treatment and chemical costs decreased approximately 20 percent.

HB 5820 also promotes a cost-effective method of mitigating damages from flooding and erosion hazards. It is an "ounce of prevention" approach to management rather than expensive restorative and mitigation measures.

HB 5820 is a very simple bill that protects the state's water quality and decreases the risks of flood damage and erosion risks at very low costs.

1. The bill does not create any new regulated areas. Rather, the bill increases the level of scrutiny in a minimum area;
2. The bill creates a presumption that removal of vegetation in the greater of the first 100 feet as measured from the outer boundary of any given wetland or watercourse, or the FEMA Regulated 100 year floodway, will impact the wetland or watercourse and requires inland wetland agents to protect the vegetation in this area to the maximum extent possible;
3. The bill retains the exemption for agriculture and forestry that currently exists. Agriculture and forestry, with the exception of clear cutting are completely exempt from regulation;
4. The bill allows inland wetland agents to continue to review beyond the minimum area but requires agencies to use certain criteria when using their discretion to determine the area. This language does not give greater jurisdiction than currently exists; the bill only codifies certain non-exclusive criteria currently in DEP model regs to guide the extent of jurisdiction;
5. The bill exempts DEP remediation and restoration activities; the bill exempts activities solely for natural resource management that further the natural vegetation's functions in maintaining or restoring the biological and ecological integrity of the wetland or watercourse. This exemption allows for removal of invasive species where appropriate as well as bank restoration projects that many cities and towns have to perform because of past decisions to remove vegetation.

A plethora of work has been conducted and results published that make a direct correlation between development and buffer encroachment with resulting water quality

and quantity degradation. In the 2005 document *Riparian Buffer Zones: Functions and Recommended Widths,* Prepared by Ellen Hawes and Markelle Smith Yale School of Forestry and Environmental Studies, the point is poignantly summed up as follows. *"In fact, the removal of streamside vegetation, primarily for development purposes, has resulted in degraded water resources and diminished value for human consumption, recreation, and industrial use.*[1]"

Water and air are arguably the most important assets to human life, social and economic welfare and the health of the flora and fauna we share this world with. For that reason we implore you to make this small, but significant step to protect our valuable resources by supporting and immediately furthering HB 5820.

Respectfully submitted,

James Belden
President

Welsch, D.J. 1991. Riparian forest buffers: function and design for protection and enhancement of water resources. USDA Forest Service, Northeastern Area, Radnor, PA. NA-PR-07-91.